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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,775	06/13/2000	Israel Hilerio	0544MH-35309	5589

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2195

MAIL DATE	DELIVERY MODE
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05/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/592,775

Applicant(s)

HILERIO ET AL.

Examiner

Lewis A. Bullock, Jr.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23, 25, 27 and 29 is/are allowed.
- 6) ☒ Claim(s) 24, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 24 recites the limitation "the communications interface" in line 2. There is insufficient antecedent basis for this limitation in the claim.
2. Claim 26 recites the limitation "the exchange" and "the condition container" in lines 3-7. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 28 recites the limitation "the action container" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

4. Claims 1-28 (with the 112 corrections) are allowable.
5. The following is a statement of some reasons for the indication of allowable subject matter, other reasons also apply: The cited claims detail a communications exchange / system / method that facilitates communication among a plurality of supply chain participants in an electronic marketplace comprising (1) an event container, a condition container, and an action container having instances associated with one another for matching an event to a predicate of condition instance to initiate an action defined in an action instance upon determining a match and wherein (2) each event is defined to expire within a respective time period if unused and remains in the container only until either the condition instance initiating the event or expiration of the specified event. Applicant argued in the response filed February 12, 2007 that the cited prior art of record usage of participants in an on-line auction does not equate to participants as

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used in the invention. The specification defines participants as numerous corporations or businesses (see pg. 7, lines 2-13) that supply products / services such that the exchange service provides a mechanism for routing messages between these companies (pg. 7, lines 15-20). Therefore, in response to this argument, the cited claims are allowable over the prior art of record. All of the cited prior art of record, both old and newly cited, disclose exchanging of messages among participants in an on-line auction, hence users or humans. However, such participants would not be businesses, companies, or corporations that supply goods or services as used in the specification and defined by one of ordinary skill in the art. In addition, some of the claims illustrate that the containers are separate from one another wherein instances in the containers, i.e. condition instances, are dynamically modified by a user independent of instances in other containers, e.g. the action instances. The cited prior art of record does not detail this limitation occurring among participants as outlined above. Therefore, the claims are allowable over the cited prior art of record.

Conclusion

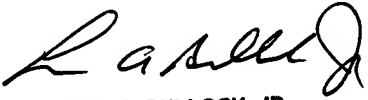
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 30, 2007


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER